

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,268	07/12/2001	Dennis L. Matthies	INTL-0572-US (P11417)	2031
7	590 09/27/2004		EXAM	INER
Timothy N. Trop			ORTIZ, EDGARDO	
TROP, PRUNER & HU, P.C. STE 100 8554 KATY FWY HOUSTON, TX 77024-1805			ART UNIT	PAPER NUMBER
			2815	
			DATE MAILED: 09/27/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action 09/04,288	•	Application No.	Applicant(s)				
Examiner Edgardo Ortiz 2815 The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 23 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to evoid abandonment of this application. A proper reply to a proper reply to a condition for allowance; (2) a timely filed Notice of Appeal (with appeal emondrement which places the application in 200 and the proper reply to a condition for allowance; (2) a timely filed Notice of Appeal (with appeal emondrement which places the application in 200 and the proper reply to a condition for reply expires		09/904,268	MATTHIES ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 23 August 2004. FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal was filed on	Advicery Nederi	Examiner	Art Unit				
THE REPLY FILED 23 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a innal rejection under 37 CFR 1.113 may only be either: (1) a timely flied amendment which places the application in condition for allowance; (2) a timely flied Notice of Appeal (with appeal fee); or (3) a timely flied Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY [check either a) or b] The period for reply expires on: (1) the mailing date of the final rejection. DIA The period for reply expires on: (1) the mailing date of the final rejection. ONLY OFLECK THIS BOW WHEN THE THIST REPLY WAS FILED WITHIN TWO MONTHS 0°THE FIRAR REJECTION. See MPEP Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension on a have been flied is the date for purposes of determining the period of ortension and the corresponding amount of the fex. Pappropriate extension on under 37 CFR 1.136(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Oflice action; or 2) as set forth in 0) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if intelly flied, may reduce any earned patent term adjustment. See 37 CFR 1.134(b), to avoid dismissal of the appeal. 1 A Notice of Appeal was filed on Appellant's Brief must be filed within the period set of the final rejection, even if intelly flied, may reduce any earned patent term adjustment. See 37 CFR 1.191(d)), to avoid dismissal of the appeal. 2 — The proposed amendment(s) will not be entered because: (a) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (b) they are not deemed to place the application in better for		Edgardo Ortiz	2815				
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a innal rejection under 37 CFR 1.113 may only be either: (1) a timely field amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b)] The period for reply expires	The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no overt, however, will be statutory period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 70. The final rejection of the may be obtained under 37 CFR 1.13(s) and the appropriate extension see have been field is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension see have been field in the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension see that the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension see that the final rejection in the period set forth in (2) above. If checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if intelligent the final rejection, even if intelligent the final rejection of the final rejection, even if intelligent the final rejection and the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2	THE REPLY FILED 23 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.						
b)	PERIOD FOR REPLY [check either a) or b)]						
the under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or 2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailling date of the final rejection, even if imitely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a)	b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension						
37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2.	fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.						
(b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3. ☒ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 102 rejection of claims 1-6. 4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 1-6. Claim(s) objected to: Claim(s) rejected: 16-22. Claim(s) withdrawn from consideration: 8. ☐ The drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	2. The proposed amendment(s) will not be entered because:						
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3. ☐ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 102 rejection of claims 1-6. 4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 1-6. Claim(s) objected to: Claim(s) rejected: 16-22. Claim(s) withdrawn from consideration: 8. ☐ The drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);						
issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3. ☐ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 102 rejection of claims 1-6. 4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 1-6. Claim(s) objected to: Claim(s) rejected: 16-22. Claim(s) withdrawn from consideration: The drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	(b) ☐ they raise the issue of new matter (see Note below);						
NOTE: 3. Applicant's reply has overcome the following rejection(s): 35 U.S.C. 102 rejection of claims 1-6. 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 1-6. Claim(s) objected to: Claim(s) withdrawn from consideration: 8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)							
 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 1-6. Claim(s) objected to: Claim(s) rejected: 16-22. Claim(s) withdrawn from consideration: 8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 							
canceling the non-allowable claim(s). The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 1-6. Claim(s) objected to: Claim(s) rejected: 16-22. Claim(s) withdrawn from consideration: The drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	3. Applicant's reply has overcome the following rejection(s): 35 U.S.C. 102 rejection of claims 1-6.						
application in condition for allowance because: See Continuation Sheet. 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☑ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 1-6. Claim(s) objected to: Claim(s) rejected: 16-22. Claim(s) withdrawn from consideration: 8. ☐ The drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)							
raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 1-6. Claim(s) objected to: Claim(s) rejected: 16-22. Claim(s) withdrawn from consideration: 8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	5. ☑ The a) ☐ affidavit, b) ☐ exhibit, or c) ☑ request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet</u> .						
 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 1-6. Claim(s) objected to: Claim(s) rejected: 16-22. Claim(s) withdrawn from consideration: 8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 	6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.						
Claim(s) allowed: <u>1-6</u> . Claim(s) objected to: Claim(s) rejected: <u>16-22</u> . Claim(s) withdrawn from consideration: 8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an						
Claim(s) objected to: Claim(s) rejected: 16-22. Claim(s) withdrawn from consideration: 8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	The status of the claim(s) is (or will be) as follows:						
Claim(s) rejected: 16-22 . Claim(s) withdrawn from consideration: 8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	Claim(s) allowed: <u>1-6</u> .						
Claim(s) withdrawn from consideration: 8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	Claim(s) objected to:						
8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	Claim(s) rejected: <u>16-22</u> .						
9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)							
	8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.						
10. Other:	9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)						
	10. Other:						

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments regarding the rejection of claims 16-22 have been fully considered but are not deemed persuasive. Applicant first argues that "The Examiner misquotes the specification, suggesting that the first and second tiled are overlaid by the layer". However, the examiner notes that the 35 U.S.C. 112 rejection of claim 16 in the Final Rejection, is based on the fact that Applicant claims "providing a layer in said first and second tiles to osbcure said interface". Applicant acknowledges that the specification discloses that layers 10 and 12 are actually overlaid by a layer 16, therefore claim 16 is indefinite since there is no layer in the layers in layers 10 and 12, but a layer that overlays them.

ALLAN R. WILSON PRIMARY EXAMINER